

Kansas Corporation Commission
Commission Meeting
January 26, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on January 26, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

Present: Chairman Emler and Commissioner Apple. Commissioner Albrecht appeared by telephone. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Apple moved for approval of the Consent Agenda: All other listed matters as presented for January 26, 2016 on the 5 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the Motion. Motion was approved.

2. **Noticed :**

- A. **Docket No. 15-TKOG-236-COM, *In the Matter of the Complaint Against Texas-Kansas Oklahoma Gas, LLC for an Order for Adjustment and Refund of Unfair, Unreasonable and Unjust Rates for the Sale of the Natural Gas for Irrigation Based on Inaccurate and/or False Pressure Base Measurements, By Circle H Farms, LLC, Richard L. Hanson, Rome Farms, and Stegman Farms Partnership.***

Commissioner Apple moved for approval of order #16-0258 - *Order Granting Petition for Reconsideration and Modifying Procedural Schedule*. Commissioner Albrecht seconded. Motion was approved.

- B. **Docket No. 15-TWVT-213-AUD, *In the Matter of an Audit of Twin Valley Telephone, Inc. to Determine its Cost-Based Kansas Universal Service Fund Support Pursuant to K.S.A. 66-2008.***

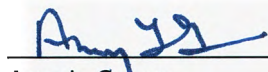
Commissioner Apple moved for approval of order #16-0063 - *Order on Petition for Reconsideration*. Commissioner Albrecht seconded. Motion was approved.

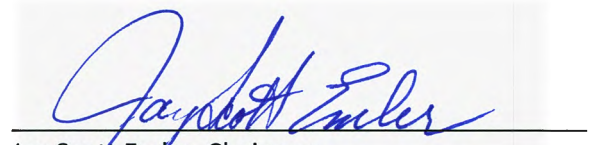
C. **Docket No. 16-GIMT-067-GIT, In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016.**

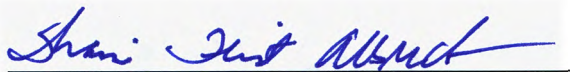
Commissioner Apple moved for approval of order #16-0257 – Order. Commissioner Albrecht seconded. Motion was approved.

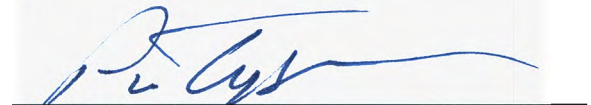
There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting, Commissioner Albrecht seconded the Motion. The Motion was approved, the Commission adjourned the January 26, 2016 Commission Meeting at 10:06 a.m.

Respectfully submitted,



Amy L. Green
Secretary

Jay Scott Emmer, Chairman

Shari Feist Albrecht, Commissioner

Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, January 26, 2016

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|------------------|---------|
| 1 | In the Matter of the Audit of OOMA, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2013 Supp. 2010(b) for KUSF Operating Year 17, Fiscal Year March 2013-February 2014 <i>Order Accepting and Adopting GVNW Consulting, Inc.'s Second Compliance Report and Closing Docket</i> | 15-OOMC-052-KSF | |
| 2 | In the Matter of the Audit of WTC Communications, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Adopting Audit Report and Closing Docket</i> | 16-WCMC-039-KSF | |
| 3 | In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. <i>Order Approving Traffic Factors For ACN Communication Services Inc.</i> | 15-GIMT-073-GIT | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 4 | In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. Order Approving Traffic Factors For Flash Wireless, LLC | 15-GIMT-073-GIT | |
| 5 | In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for Approval of the Commission for a Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204 Order Granting CURB's Petition to Intervene, Protective Order and Discovery Order | 16-BHCG-277-TAR | |
| 6 | In the Matter of a General Investigation to Examine the Effect of Kansas Senate Bill No. 91 Regarding Renewable Energy Standards. Order Granting Empire Intervention | 16-GIME-258-GIE | |
| 7 | In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval for 2016 Ad Valorem Tax Surcharge Rider Tariff. Order Approving Ad Valorem Tax Surcharge Rider | 16-PLCE-311-TAR | |
| 8 | In the Matter of the Application of Midwest Energy, Inc. Seeking Commission Approval to Update Attachment H of its Open Access Transmission Tariff Suspension Order | 16-MDWE-324-TFR | |
| 9 | In the Matter of the Investigation of Freedom Electric & Trenching, LLC of Meriden, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Reinstating Intrastate Motor Carrier Operations | 16-TRAM-126-PEN | |
| 10 | In the Matter of the Investigation of Scotty C. Thompson, d/b/a Thompson's Tree Service of Wichita, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order | 16-TRAM-336-PEN | |
| 11 | In the Matter of the Investigation of S & S Trucking, Inc. of Mentor, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order | 16-TRAM-337-PEN | |

Consent Agenda

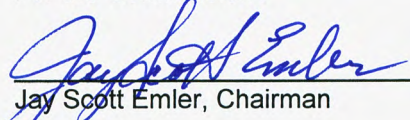
| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|------------------|---------|
| 12 | In the Matter of the Investigation of American Phoenix, Inc. of Topeka, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i> | 16-TRAM-338-PEN | |
| 13 | In the Matter of the Emergency Suspension of Operating Authority of Nile Kings United Logistics LLC, d/b/a NKU Logistics of Leawood, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i> | 16-TRAM-259-OOS | |
| 14 | In the Matter of the Emergency Suspension of Operating Authority of Jaime Marcelino Villalobo Rubio, d/b/a Jaime's Painting of Kansas City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 16-TRAM-339-OOS | |
| 15 | In the Matter of the Emergency Suspension of Operating Authority of Slate Creek Trucking, LLC of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 16-TRAM-340-OOS | |
| 16 | In the Matter of the Emergency Suspension of Operating Authority of Time Saver, Inc. of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 16-TRAM-341-OOS | |
| 17 | In the Matter of the Emergency Suspension of Operating Authority of Infinity Transport, Inc. of Shawnee, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 16-TRAM-342-OOS | |
| 18 | In the Matter of the Emergency Suspension of Operating Authority of Bernard Murphy of Olathe, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 16-TRAM-343-OOS | |
| 19 | In the matter of a Compliance Agreement between Garry F. Crawford and Commission Staff regarding bringing the Beadles #W-2 in Butler County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i> | 16-CONS-677-CMSC | |
| 20 | In the matter of a Compliance Agreement between Anstine & Musgrove Inc. and Commission Staff regarding bringing the twenty-two wells in Cowley County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i> | 16-CONS-678-CMSC | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|------------------|---------|
| 21 | In the matter of the application of PetroSantander (USA) Inc. for an amendment to the existing permit to authorize the injection of saltwater into the Morrow formation at the Scott 4-13 well, located in Section 13, Township 21 South, Range 35 West, Kearny County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference | 16-CONS-679-CUIC | |
| 22 | In the matter of the application of American Warrior, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Marcellus Glen 2-C (aka Glen Marcellus 'C' 2) well located in the SW/4 of Section 26, Township 32 South, Range 35 West, Stevens County, Kansas. Order Granting Application | 16-CONS-669-CEXC | |
| 23 | In the matter of the application of Casillas Petroleum Corp. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Lightner D.R. 1-2 well located in the NW/4 of Section 8, Township 26 South, Range 31 West, Finney County, Kansas. Order Granting Application | 16-CONS-681-CEXC | |
| 24 | In the matter of the failure of Gene Sneath dba Lucky Iron to comply with K.A.R. 82-3-128 at the Nichol #1 SWD in Rooks County, Kansas. Penalty Order - Gene Sneath dba Lucky Iron | 16-CONS-680-CPEN | |

The above-captioned matter(s) were approved by the Commission, unless noted as removed.


For the Commission :


Jay Scott Emler, Chairman


Shari Feist Albrecht, Commissioner


Pat Apple, Commissioner

Attest:


Amy L. Green
Secretary to the Commission